

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 28TH NOVEMBER 2007 / 7TH AGRAHAYANA 1929

WP(C).No. 33679 of 2007(H)

PETITIONER:

1. SHADIYA NASEER, W/O. NASEER,
AGED 39 YEARS, "NASEEM", KANJANI ROAD,
AYYANTHOLE P.O., THRISSUR.
2. SHAMMY AZAD, W/O. AZAD,
AGED 38 YEARS, "AZAD", VAILOPPILLY NAGAR,
AZAD ROAD, ERNAKULAM.

BY ADV. SRI.DENIZEN KOMATH

RESPONDENTS:

1. THRISSUR CORPORATION,
REPRESENTED BY ITS SECRETARY, THRISSUR.
2. TAHSILDAR, THRISSUR &
ASSESSING AUTHORITY, TALUK OFFICE, THRISSUR.
3. VILLAGE OFFICER,
THRISSUR VILLAGE, THRISSUR.

BY ADV. SRI.K.B.MOHANDAS,SC,THRISSUR CORPORATIO
SRI.LELLULAL T.G.THUNDATHIL
SRI.K.A.SREEJITH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28/11/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

Antony Dominic, J.

W.P.(C) No. 33679 of 2007

Dated this the 28th day of November, 2007

JUDGMENT

Challenge in this writ petition is against Ext.P4 order of assessment under the Building Tax Act. The issue urged is that notice has not been given to the petitioners. The learned Government Pleader submits that notice has been given to one Azad in whose name Ext.P4 has been issued.

2. Admittedly, the petitioners are the owners of the building in question. Therefore, notice should have been given to them to complete the assessment. In this case this has not been done. Therefore, Ext.P4 has to be quashed.

3. Hence, Ext.P4 order of assessment is quashed without prejudice the right of the respondents to issue notice to the petitioners and initiate proceedings for the assessment under the Building Tax Act.

The writ petition is disposed f as above.

**Antony Dominic,
Judge.**

mn.

